



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

July 5, 1988

REPLY TO
ATTN OF: HW-112

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc Horton, Director of Programs
Washington Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504-8711

Re: Issuance of RCRA §3013 Order on Chemical Processors, Inc. - Pier 91

Dear Mr. Horton:

Based on our review of available data concerning the Chemical Processors, Inc. facility located in Seattle, Washington (Pier 91), we have concluded that sufficient information exists to warrant the investigation of this facility to determine if hazardous wastes or constituents have been released from the facility into the environment. Enclosed is a copy of the order we are issuing to the company to conduct an investigation to assess the extent of release of hazardous wastes and constituents from the facility.

Although the action we are taking is not pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act, which requires that we give notice to the Washington Department of Ecology prior to issuing an administrative order in an authorized state, please let this letter serve to formally notify you of our action. We have discussed this action with members of your staff and believe that our action will neither jeopardize or interfere with activities your staff are pursuing at the facility.

Sincerely,

Randall F. Smith

for Charles E. Findley, Director
Hazardous Waste Division

Enclosure

cc: Howard Steeley, Department of Ecology - Southwest Region
Julie Seleck, Department of Ecology - Northwest Region

WA 2917

7/5/1988

RCRA PERMIT
ADMINISTRATIVE RECORD
ITEM NUMBER
TOTAL NUMBER OF PAGES

FILE COPY

USEPA RCRA
3012646

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:
SO - 125

July 5, 1988

Chemical Processors, Inc.
Suite 400
2203 Airport Way South
Seattle, Washington 98134

Attn: Ms. Marlys Polumbo
General Counsel

Re: EPA Order #1088-06-23-3013
For Facility At Seattle

Dear Officers and Directors:

The corporation, Chemical Processors, Inc. is hereby served with the enclosed true copy of the original EPA Order which is on file with me and is dated June 30, 1988. Your attention is also invited to the remaining two documents (a "Notice" and an "Acceptance") which accompany the Order and are also served with it.

Sincerely,

Valerie D. Baden FOR

Sue Atkinson
Regional Hearing Clerk

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 Region 10
3 1200 Sixth Avenue,
4 Seattle, Washington 98101

5 IN THE MATTER OF:)
6)
7 Chemical Processors, Incorporated)
8 Seattle, Washington)
9 (WAD000812917))
Respondent)
Proceedings under §3013 of the)
Resource Conservation and)
Recovery Act, 42 U.S.C. §6934)
EPA No. 1088-06-23-3013

10 THE DIRECTOR, HAZARDOUS WASTE DIVISION, EPA REGION 10 TO THE FOLLOWING
11 RESPONDENT: Chemical Processors, Incorporated, Pier 91 Facility

12
13 YOU ARE HEREBY GIVEN NOTICE AS FOLLOWS:

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15 I. Administrative proceedings have been commenced against you. An
16 order to develop and implement a proposal for monitoring, analysis, and
17 testing is hereby issued by EPA, pursuant to 42 U.S.C. §6934.

18
19 II. You are hereby NOTIFIED of, and served with, the ATTACHED TRUE
20 COPIES of documents filed in these proceedings. The Order contains
21 governmental commands of EPA which must be obeyed by you. It requires that
22 you both develop a proposal for and after approval by EPA, carry out such
23 monitoring, testing, analysis, and reporting as necessary to ascertain the
24 nature and extent of the hazard that exists at your facility due to the
25 release and/or presence of hazardous waste at your facility.

1 III. The signed originals of the attached documents are filed with the EPA
2 Regional Hearing Clerk, Park Place Bldg., Suite 1200 (M/S SO-125), 1200 Sixth
3 Avenue, Seattle, King County, Washington, 98101.

4 IV. RECONSIDERATION AND PROPOSAL PROCEDURES

5 A. Under the provisions of the Resource Conservation And Recovery Act
6 ("RCRA"), Respondent may confer with EPA at any time prior to submittal of the
7 proposal ordered in the ORDER TO DEVELOP AND IMPLEMENT A PROPOSAL FOR
8 MONITORING, ANALYSIS, AND TESTING attached hereto, to: comment on the Findings
9 contained therein; provide whatever additional information Respondent believes
10 relevant to the disposition of this matter; and/or discuss the preparation of
11 the proposal. The proposal submitted by Respondent shall be subject to
12 review, modification and approval by EPA. After submittal of the proposal,
13 Respondent shall be afforded an opportunity to confer with EPA on a date
14 specified by EPA to discuss the terms of the proposal. Following this
15 conference and after review, modification (if any), and approval of the
16 proposal by EPA, Respondent shall forthwith conduct, carry out, implement and
17 report on the sampling, analysis, and monitoring program according to its
18 approved terms and schedules.

19 B. If EPA determines that Respondent is not able to conduct the
20 activities required in said attached Order (developed pursuant to RCRA §3013)
21 in a satisfactory manner, is not able to conduct the activities contained in
22 the EPA-approved proposal, or if actions carried out are deemed
23 unsatisfactory, then EPA may conduct such actions deemed reasonable by EPA to
24 ascertain the nature and extent of the hazard at the facility. Respondent may
25 then be ordered to reimburse EPA for the costs of such activity pursuant to
26 §3013(d) of RCRA. In addition, or in the alternative, in the event Respondent
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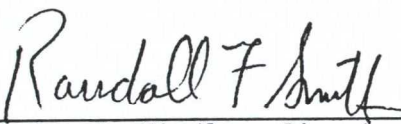
1 fails to comply with the terms and provisions of this Order, EPA may commence
2 a civil action to require compliance with such order and to assess a civil
3 penalty of not to exceed \$5,000.00 for each day during which such failure or
4 refusal occurs.

5 V. INFORMAL SETTLEMENT MEETING

6 A. An informal settlement meeting to discuss this administrative action
7 can be held at your request at EPA's offices in Seattle, Washington. You may
8 comment on (and provide additional relevant information on) the Findings in
9 the Order to Develop and Implement A Proposal For Monitoring, Analysis, And
10 Testing. Such a meeting might resolve matters by a settlement which would
11 make a formal conference unnecessary.

12 B. In order to arrange an informal settlement meeting, you must contact
13 Mr. John A. Hamill, Esq., EPA Region 10 Office of Regional Counsel, M/S
14 SO-125, 1200 Sixth Avenue, Seattle, Washington, 98101 at (206) 442-1475 not
15 later than thirty (30) calendar days from receipt hereof.

16 ISSUED AT SEATTLE, WASHINGTON, this 30th day of June, 1988.

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19 for Charles E. Findley, Director
20 Hazardous Waste Division, EPA
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1
2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
3 REGION 10
4 1200 Sixth Avenue, Suite 1200
5 Seattle, Washington 98101

6 IN THE MATTER OF:)

7 CHEMICAL PROCESSORS, INC. PIER 91)

8 RESPONDENT,)

9 PROCEEDING UNDER §3013 OF)
10 THE RESOURCE CONSERVATION AND)
11 RECOVERY ACT, 42 U.S.C.)
12 §6934 (amended 1984))

RCRA Docket: 1088-06-23-3013
ORDER TO DEVELOP AND IMPLEMENT
A PROPOSAL FOR MONITORING,
ANALYSIS, AND TESTING

13 I. PRELIMINARY STATEMENT

14 1. This ORDER is issued pursuant to 3013 of the Resource Conservation
15 and Recovery Act, 42 U.S.C. §6934, as (42 U.S.C §6934) hereinafter referred to
16 as "RCRA" or "the Act." The United States Environmental Protection Agency is
hereinafter referred to as "EPA". The Respondent is Chemical Processors, Inc.
(hereinafter referred to as "Chempro" or "Respondent").

17 2. The authority to issue this order and notice pursuant to §3013 of
18 the Act is vested in the EPA Administrator who has delegated this authority to
19 the Regional Administrator of EPA Region 10, who has further delegated this
20 authority to the Director of the Hazardous Waste Division of EPA Region 10.
21 Based upon available information, the Director of the Hazardous Waste Division
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1 hereby issues the following Findings of Fact, Determinations, and Order
2 Requiring Submission and Implementation of a Proposal for Sampling, Analysis,
3 Monitoring and Reporting.
4

5 II. FINDINGS OF FACT

6 3. Respondent operates a facility, the primary function of which is the
7 thermal, chemical, and physical treatment of waste oil and oily wastewater.
8 As a result of this operation, Respondent's facility has generated and
9 continues to generate, hazardous waste within the meaning of the Act.
10 Respondent's facility is located on approximately 4 acres of land leased from
11 the City of Seattle at Pier 91 Seattle, Washington hereafter "the facility".

12 4. On or about August 18, 1980, Respondent submitted to EPA a
13 "Notification of Hazardous Waste Activity" (EPA Form 8700-12) for its Pier 91 ...
14 facility located at 5501 Airport Way South Seattle, Washington pursuant to
15 RCRA §3010(a) 42 U.S.C. §6930(a) and thereby received EPA identification
16 number WAD000812917. That notification identified Respondent as the owner and
17 operator of the facility and the facility as a generator of hazardous waste
18 and a treatment, storage, and disposal facility.

19 5. In March 1988 a RCRA Facility Assessment was conducted at the
20 facility. According to this report accidental spills have occurred repeatedly
21 in the storage area at the facility. Approximately 500,000 gallons of oil,
22 waste oil, and oily wastewater has been reportedly spilled in this general
23 vicinity since the facility first began operation in the 1930's. Prior to
24 1986, the surface of the Marine Diesel Oil Yard, which represents a portion of
25 the facility, was native soil. Approximately 450,000 gallons was spilled on
26 the unpaved surface. Other contaminated soil was sealed in boxes constructed
27 between the buttresses on the containment wall. According to the RFA report
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1 waste oil is currently seeping from these boxes. In 1986 some of the oil
2 contaminated soil at the facility was excavated and placed in 55 gallon drums
3 for disposal.

4 6. The oily wastes released during these spill events have the same
5 characteristics of the other materials that Chempro handles at the Pier 91
6 facility. The tanks containing oily wastewater are contaminated with heavy
7 metals such as lead, chromium, and zinc.

8 7. In May 1988 a Phase I hydrogeological investigation was conducted
9 for Chempro by Sweet-Edwards/EMCON, Inc. The purpose of the study was to
10 define the potential presence of contamination in the soils and groundwater
11 beneath the Chempro Pier 91 facility. During the soil boring activities a
12 petroleum odor was noted in boring HA-1 and HA-2. Visible contamination was
13 observed in both the saturated and unsaturated zone in HA-2. Visual
14 contamination was observed in the saturated zone of boring HA-1. Petroleum
15 contaminants were observed in the upper 2-feet of the boring sidewall of
16 abandoned boring CP-107.

17 8. Releases of constituents regulated under RCRA have occurred at the
18 facility. Lead and chromium contaminated wastes may exhibit the hazardous
19 characteristic of EP toxicity with waste codes of D008 and D007 respectively
20 and are classified as hazardous waste by EPA pursuant to 40 CFR Part 261. The
21 release of these substances may present a substantial hazardous to human
22 health and/or the environment.

23 III. DETERMINATIONS

24 9. Based upon available data and information, including the Findings of
25 Fact set forth above, EPA makes the following determinations:

26 A. Hazardous waste is or has been, stored, treated, or disposed of at
27 the facility owned or operated by Chempro.

1 B. The presence and/or release of hazardous waste from the facility may
2 present a substantial hazard to human health or the environment.

3 C. Sampling, analysis, monitoring, and reporting is required to
4 ascertain the nature and extent of such hazard to human health or the
5 environment.

6
7 IV. ORDER

8 10. Pursuant to Section 3013 of the Act [42 U.S.C. §6934], and in order
9 to ascertain the nature and extent of the hazard at the Chempro facility as
10 described herein above, Respondent is hereby ordered to submit within 30 days
11 of receipt of this Order a written proposal to EPA for the sampling, analysis,
12 monitoring and reporting of the hazardous wastes and hazardous waste
13 constituents that are present or that may have been released from the
14 facility, and is hereby ordered to implement such proposal, after it is
15 approved by EPA. Such written proposal shall contain, but is not limited to,
16 the following:

17 11. Provisions which will provide a basis for determination of whether
18 hazardous waste or hazardous constituents have been released from the
19 facility, including the Marine Diesel Oil Yard location, into soil, surface
20 water or groundwater. Such provisions shall include a plan and timetable for
21 the installation of a soil boring and groundwater monitoring program. Such
22 groundwater monitoring program proposal shall include recommendations as to
23 locations, depth, and construction thereof, of wells designed to monitor
24 groundwater elevation and water quality.

25 12. A sampling and analysis plan for monitoring groundwater which
26 describes proposed indicator parameters, justification for selection of
27 parameters, frequency of sampling, and procedures and quality assurance

1 measures for sampling and analyzing hazardous waste and hazardous
2 constituents. The plan shall provide that groundwater be sampled and analyzed
3 on at least two separate occasions. The plan shall also provide for
4 representative sampling and analysis for Appendix IX constituents as
5 identified at 40 CFR Part 264 which may be present at the facility.

6 13. A plan and timetable to collect and analyze soil samples of
7 appropriate size, depth, and location to determine the nature and extent of
8 contamination of the surface and of the soil column at the facility.

9 14. A provision for site access for employees, agents, and contractors
10 of EPA at all reasonable times for purposes of inspecting and verifying
11 compliance with the provisions of this Order in accordance with and pursuant
12 to the authority of §3007 of the Act, 42 U.S.C. §6927.

13 15. A description of the means of implementing the items set forth
14 above; a proposal for reporting to EPA on the progress of these items; and for
15 reporting the results of the sampling, analysis and monitoring program.

16 16. All reports, plans, proposals and other documents required under
17 this Order shall be submitted in duplicate to: Charles W. Rice, Chief, RCRA
18 Compliance Section, U.S. Environmental Protection Agency Region 10, 1200 Sixth
19 Avenue, Seattle, Washington 98101.


20 V. ENFORCEMENT OF THE ORDER

21 17. In the event Respondent fails to comply with the terms and
22 provisions of this Order, EPA may commence a civil action to require
23 compliance with such order and to recover a civil penalty of not to exceed
24 \$5,000.00 for each calendar day during which such failure occurs or continues.

VI. OPPORTUNITY TO CONFER AND LIABILITY

18. The attached NOTICE OF PROCEEDINGS should be carefully reviewed concerning the opportunity to confer both formally and informally with EPA Representatives and concerning Respondent's potential liability in this matter.

DATED this 30th day of June, 1988,


Charles E. Findley, Director
Hazardous Waste Division

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 Region 10
3 1200 Sixth Avenue,
4 Seattle, Washington 98101

5 IN THE MATTER OF:)

6 Chemical Processors, Incorporated)
7 Seattle, Washington)
8 (WAD000812917))

9 Respondent)

10 Proceedings under §3013 of the)
11 Resource Conservation and)
12 Recovery Act, 42 U.S.C. §6934)

RESPONDENT'S ACCEPTANCE
OF ORDER TO DEVELOP AND
IMPLEMENT A PROPOSAL FOR
MONITORING, ANALYSIS, AND
TESTING

IN REFERENCE TO THE FOLLOWING
ORDER:

EPA No. 1088-06-23-3013

By signing below, and returning this Acceptance notice to EPA at the address provided in the attached NOTICE OF PROCEEDINGS, Respondent hereby admits EPA's jurisdiction to issue the Order to Develop and Implement a Proposal for Monitoring, Analysis, and Testing (Docket No. 1088-06-24-3013), but neither admits nor denies EPA's Findings of Fact and/or Determination set forth in the above described Order.

Dated this _____ day of _____, 1988

Chemical Processors, Inc.



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

July 5, 1988

REPLY TO
ATTN OF: HW-112

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc Horton, Director of Programs
Washington Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504-8711

Re: Issuance of RCRA §3013 Order on Chemical Processors, Inc. - Tacoma

Dear Mr. Horton:

Based on our review of available data concerning the Chemical Processors, Inc. facility located in Tacoma, Washington (Parcels B & C), we have concluded that sufficient information exists to warrant the investigation of this facility to determine if hazardous wastes or constituents have been released from the facility into the environment. Enclosed is a copy of the order we are issuing to the company to conduct an investigation to assess the extent of release of hazardous wastes and constituents from the facility.

Although the action we are taking is not pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act, which requires that we give notice to the Washington Department of Ecology prior to issuing an administrative order in an authorized state, please let this letter serve to formally notify you of our action. We have discussed this action with members of your staff and believe that our action will neither jeopardize or interfere with activities your staff are pursuing at the facility.

Sincerely,

Randall F. Smith
for Charles E. Findley, Director
Hazardous Waste Division

Enclosure

cc: Howard Steele, Ecology - Southwest Region
Julie Seleck, Ecology - Northwest Region

for

Region 10

IN THE MATTER OF:

Respondent

NOTICE OF LEGAL PROCEEDINGS,
NOTICE OF OPPORTUNITY FOR
HEARING: AND NOTICE OF
OPPORTUNITY FOR SETTLEMENT
MEETING

IN REFERENCE TO THE FOLLOWING
ORDER:

EPA No. 1088-06-24-3013

Region 10

Seattle, Washington 98101

IN THE MATTER OF:

Respondent

RCRA Docket No. 1086-06-24-3013

ORDER TO DEVELOP AND IMPLEMENT A PROPOSAL FOR MONITORING, ANALYSIS, AND TESTING

PIERRE

RICE

FEIGNER

Hamill

6/16/88

6/20/88

10K

27/2/88

1
2
3 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
4 Region 10
5 1200 Sixth Avenue,
6 Seattle, Washington 98101

7 IN THE MATTER OF:

8 Chemical Processors, Incorporated
9 Tacoma, Washington
10 (WADO20257945)

11 Respondent

12 Proceedings under §3013 of the
13 Resource Conservation and
14 Recovery Act, 42 U.S.C. §6934

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NOTICE OF LEGAL PROCEEDINGS,
NOTICE OF OPPORTUNITY FOR
HEARING: AND NOTICE OF
OPPORTUNITY FOR SETTLEMENT
MEETING

IN REFERENCE TO THE FOLLOWING
ORDER:
EPA No. 1088-06-24-3013

THE DIRECTOR, HAZARDOUS WASTE DIVISION, EPA REGION 10 TO THE FOLLOWING
RESPONDENT: Chemical Processors, Incorporated, Tacoma Facility

YOU ARE HEREBY GIVEN NOTICE AS FOLLOWS:

I. Administrative proceedings have been commenced against you. An order to develop and implement a proposal for monitoring, analysis, and testing is hereby issued by EPA, pursuant to 42 U.S.C. §6934.

II. You are hereby NOTIFIED of, and served with, the ATTACHED TRUE COPIES of documents filed in these proceedings. The Order contains governmental commands of EPA which must be obeyed by you. It requires that you both develop a proposal for and after approval by EPA, carry out such monitoring, testing, analysis, and reporting as necessary to ascertain the nature and extent of the hazard that exists at your facility due to the release and/or presence of hazardous waste at your facility.

1 III. The signed originals of the attached documents are filed with the EPA
2 Regional Hearing Clerk, Park Place Bldg., Suite 1200 (M/S SO-125), 1200 Sixth
3 Avenue, Seattle, King County, Washington, 98101.
4

5 IV. RECONSIDERATION AND PROPOSAL PROCEDURES

6 A. Under the provisions of the Resource Conservation And Recovery Act
7 ("RCRA"), Respondent may confer with EPA at any time prior to submittal of the
8 proposal ordered in the ORDER TO DEVELOP AND IMPLEMENT A PROPOSAL FOR
9 MONITORING, ANALYSIS, AND TESTING attached hereto, to: comment on the Findings
10 contained therein; provide whatever additional information Respondent believes
11 relevant to the disposition of this matter; and/or discuss the preparation of
12 the proposal. The proposal submitted by Respondent shall be subject to
13 review, modification and approval by EPA. After submittal of the proposal, ...
14 Respondent shall be afforded an opportunity to confer with EPA on a date
15 specified by EPA to discuss the terms of the proposal. Following this
16 conference and after review, modification (if any), and approval of the
17 proposal by EPA, Respondent shall forthwith conduct, carry out, implement and
18 report on the sampling, analysis, and monitoring program according to its
19 approved terms and schedules.

20 B. If EPA determines that Respondent is not able to conduct the
21 activities required in said attached Order (developed pursuant to RCRA §3013)
22 in a satisfactory manner, is not able to conduct the activities contained in
23 the EPA-approved proposal, or if actions carried out are deemed
24 unsatisfactory, then EPA may conduct such actions deemed reasonable by EPA to
25 ascertain the nature and extent of the hazard at the facility. Respondent may
26 then be ordered to reimburse EPA for the costs of such activity pursuant to
27 §3013(d) of RCRA. In addition, or in the alternative, in the event Respondent
28

1 fails to comply with the terms and provisions of this Order, EPA may commence
2 a civil action to require compliance with such order and to assess a civil
3 penalty of not to exceed \$5,000.00 for each day during which such failure or
4 refusal occurs.

5
6 V. INFORMAL SETTLEMENT MEETING

7 A. An informal settlement meeting to discuss this administrative action
8 can be held at your request at EPA's offices in Seattle, Washington. You may
9 comment on (and provide additional relevant information on) the Findings in
10 the Order to Develop and Implement A Proposal For Monitoring, Analysis, And
11 Testing. Such a meeting might resolve matters by a settlement which would
12 make a formal conference unnecessary.

13 B. In order to arrange an informal settlement meeting, you must contact,
14 Mr. John A. Hamill, Esq., EPA Region 10 Office of Regional Counsel, M/S
15 SO-125, 1200 Sixth Avenue, Seattle, Washington, 98101 at (206) 442-1475 not
16 later than thirty (30) calendar days from receipt hereof.

17 ISSUED AT SEATTLE, WASHINGTON, this 30th day of June, 1988.
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20 
21 *for* Charles E. Findley, Director
22 Hazardous Waste Division, EPA
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4 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
5 Region 10
6 1200 Sixth Avenue
7 Seattle, Washington 98101

7 IN THE MATTER OF:)
8 Chemical Processors, Incorporated) RCRA Docket No. 1088-06-24-3013
9 Tacoma, Washington)
10 (WAD020257945))
11 Respondent) ORDER TO DEVELOP AND
12 Proceedings under §3013 of the) IMPLEMENT A PROPOSAL FOR
13 Resource Conservation and) MONITORING, ANALYSIS, AND
14 Recovery Act, 42 U.S.C. §6934) TESTING
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14 I. PRELIMINARY STATEMENT

15 1. This ORDER is issued pursuant to §3013 of the Resource Conservation
16 and Recovery Act, as amended [42 U.S.C. §6934] (hereinafter referred to as
17 "RCRA" or "the Act").

18 2. The authority to issue this ORDER and NOTICE is vested in the
19 Administrator who has delegated this authority to the Regional
20 Administrator, who has further delegated this authority to the Director,
21 Hazardous Waste Division, Environmental Protection Agency, Region 10
22 (hereinafter "EPA"). The RESPONDENT is Chemical Processors, Incorporated,
23 Tacoma facility (hereinafter "Respondent" or "Chempro").
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1 II. FINDINGS OF FACT

2 3. Respondent is an organization doing business in the State of
3 Washington operating a facility located at Tacoma, Washington and is a
4 person as defined in Section 1004(15) of RCRA, 42 U.S.C. §6903(15).
5 Attachment A provides a depiction of the facility in relation to its
6 surroundings and a plot plan of the facility (Figure I).

7 4. On or about August 13, 1980, Respondent submitted to EPA its
8 notificaton of hazardous waste activity (EPA Form 8700-12) pursuant to
9 Section 3010 of RCRA as a generator of hazardous waste at its 1701
10 Alexander Street, Tacoma, Washington facility, EPA I.D. No. WAD020257945.
11 The notification identified Respondent as both a generator and an
12 owner/operator of a treatment, storage or disposal facility for ignitable,
13 corrosive, reactive and toxic wastes along with selected listed hazardous
14 wastes identified at 40 CFR Part 261.

15 5. On or about November 14, 1980, Respondent submitted its Part A permit
16 application pursuant to Section 3005(e) of RCRA and so qualified its
17 facilty for interim status. Operations identified at the facility
18 included hazardous waste storage in drums and tanks and treatment in tanks.

19 6. In a report dated November 1982, prepared by the consulting firm of
20 Harper-Owes for the Chem-Security Systems, Inc. firm in anticipation of
21 their purchase of the facility, it was concluded that ground water at the
22 facility was impacted by a variety of past and present practices.

23 (a) Based on a literature review conducted in preparation of the
24 report it was reported that the two waterways which lie adjacent to
25 the facility (i.e., the Hylebos and Blair Waterways) appear to be
26 the most contaminated receiving waters in the Puget Sound area,
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1 based on toxicant levels and biological impacts. The area (i.e.,
2 Commencement Bay) has been designated on EPA's Superfund National
3 Priorities List for remedial action. See Figure II for a
4 description of the area.

5 (b) Results of ground water monitoring showed contamination in
6 on-site wells (well locations are depicted in Figure III). Selected
7 results are as follows:

<u>CONSTITUENT</u>	<u>HIGHEST CONC. (ppb)</u>	<u>LOCATION</u>
Chromium	32	T-8
Nickel	455	T-6
Cyanide	15	T-6
Phenol	1,100	T-6

11 7. As reported in a letter to EPA from representatives of the Washington
12 Environmental Council, dated August 28, 1987, a 1987 report by Respondent's
13 consultant, Sweet Edwards & Associates, summarized the results of soil and
14 ground water sampling at the facility. Selected observations included in the
15 report are as follows:

16 (a) For ground water:

<u>CONSTITUENT</u>	<u>HIGHEST CONC. (ppb)</u>	<u>LOCATION</u>	<u>MCL (ppb)</u>	<u>Water Quality Criteria #</u>
Barium	918	CTMW-6	1,000	--
Chromium	12	"	50	50/10,300 *
Lead	114	"	50	5.6
Arsenic	15	"	50	13/36 *
Nickel	11	"	--	8.3
Zinc	61	"	--	95
Benzene	12	"	5	700
Toluene	56	"	--	5,000
Trichloroethene	5	"	5	2,000 +
Vinyl chloride	23	"	2	--
Phenol	43	"	--	5,800

(b) For soils:

CONSTITUENT	HIGHEST CONC. (ppb)	LOCATION
Xylenes, total	840	CTMW-6
PCB	21,000	"
Pheanthrene	3,000	"
Chrysene	2,100	"
Benzo(a)anthracene	800	"

(#) salt water chronic criteria

(*) value given dependent upon oxidation state of cation (i.e., arsenic +3 and chromium +6 more toxic)

(+) acute criteria level reported. Also, for trivalent chromium acute criteria is reported

NOTE! MCL's are criteria established under Safe Drinking Water Act for protection of public drinking water supplies

8. As reported in a draft Phase I Hydrogeological Investigation report prepared by Sweet-Edwards/EMCON Inc. for Respondent dated February 1988 the facility is located on the Puyallup River Delta, which was a tidal marsh/tide flat zone, adjacent to Commencement Bay. This delta has reportedly been altered by dredging and fill activities. Water levels as measured in onsite wells ranged in depth below ground surface from about 2.5 feet at CTMW-10 to approximately 5.8 feet at CTMW-11. Selected ground water monitoring results for organic constituents included in the report are as follows:

CONSTITUENT	CONC. (ppb)	LOCATION	MCL (ppb)	Water Quality Criteria #
Benzene	2.1	CTMW-8	5	700
Benzene	3.3	CTMW-10	"	700
Benzene	8.2	CTMW-6	"	700
Vinyl chloride	12	"	2	--
Phenol	220	CTMW-11	-	5,800 *
Phenol	14	CTMW-6	-	"

(#) salt water chronic criteria

(*) salt water acute level reported

NOTE! MCL's are criteria established under Safe Drinking Water Act for protection of public drinking water supplies

9. Based on the information provided in the above Findings, various chemicals (each of which is a hazardous constituent listed in Appendix VIII of 40 CFR Part 261) have been detected in concentrations above EPA Maximum

1 Contaminant Levels promulgated under the Safe Drinking Water Act (e.g.,
2 benzene and vinyl chloride) in ground water underlying the facility. Lead is
3 also a hazardous constituent listed in Appendix VIII to 40 CFR Part 261,
4 Identification and Listing of hazardous waste and has been detected in a
5 concentration exceeding the EPA primary Drinking Water Standard. Lead has
6 also been detected at a concentration which may result in salt water chronic
7 toxicity from ground water discharge into Puget Sound.

8 10. Surface water in the area, i.e., Puget Sound serves as a source for both
9 recreational and commercial fishing. Drainage from the facility flows north
10 into the Hylebos Waterway or south entering the Blair Waterway, both of which
11 discharge into Puget Sound. Respondent's facility is also located
12 approximately one quarter mile from a public supply drinking water well (i.e.,
13 the "Tide Flats" well). A typical pumping year for the well as reported by
14 the Tacoma Public Utilities Bureau is as follows:

15	January - May	0 MG
16	June	17.01 MG
17	July	31.45 MG
	August	32.59 MG
	September	9.1 MG

18 The Tide Flats well has been sampled for metals and other inorganic parameters
19 (July 11, 1986) and found to have chromium contamination at approximately 10
20 ppb. Although this well is screened several hundred feet below the screened
21 interval of facility monitoring wells, the hydrogeology of the underlying
22 soils is insufficiently characterized to evaluate if this well is a potential
23 receptor of hazardous constituent releases from the facility.

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III. DETERMINATION

11. Based on the foregoing and other administrative materials, and pursuant to Section 3013 of RCRA, 42 U.S.C. §6934(a)(1) and (2), the Director, Hazardous Waste Division, EPA Region 10, hereby determines that the presence at and/or release and potential release of hazardous waste from the facility may present a substantial hazard to human health and/or the environment. The Director, Hazardous Waste Division further determines that the expeditious monitoring, testing, analysis and reporting by Respondent, in accordance with methods and procedures developed and/or approved by EPA for hazardous waste investigations (e.g., RCRA Groundwater Monitoring Technical Enforcement Guidance Document & Test Methods for the Evaluation of Solid Waste, Physical Chemical Methods) is necessary and/or appropriate to ascertain the nature and extent of such hazards as may exist.

IV. ORDER

12. Respondent shall, within 30 days of receipt of this Order:

- a) Submit a proposal ("Proposal") for the monitoring, analysis and testing of groundwater and soil at and near the facility sufficient to identify the nature and extent of soil and groundwater contamination from the release of hazardous waste and/or hazardous constituents at and/or from the facility.
- b. The Proposal shall be designed so as to fully describe the steps Respondent will take to perform a facility assessment which shall include the identification and characterization of each solid waste management unit at the facility (including locations of past spills where full cleanup may not have been achieved) in terms of its potential to release hazardous waste and/or constituents and the potential pathways and environmental and/or health receptors which may be affected by such a

1 release from the facility. Copies of all available background
2 information pertaining to past practices and the extent of hazardous
3 waste and/or constituent releases or potential releases from the facility
4 shall be included as appendices to the Proposal in support of the
5 proposed scope of additional work required. The Proposal shall identify
6 the steps which will be followed to: (1) define site geology, physical
7 properties of soils, chemical properties of soils, continuity of
8 saturated zones and confining zones, and depth to uppermost aquifer; (2)
9 define hydraulic parameters for zones to be monitored (e.g.,
10 transmissivity, hydraulic conductivity, storage coefficient); (3) define
11 groundwater movement in the site vicinity (e.g., recharge zones,
12 discharge zones, upward vs. downward flow, gradient and potentiometric
13 surface); and (4) determine the nature and extent of contamination
14 migration, and direction of flow.

15 c. All work shall be performed in accordance with EPA-approved and
16 established Quality Control and Quality Assurance (QA/QC) procedures.
17 Chain of Custody shall be maintained on all samples and the methodology
18 used for sample analysis shall be in accordance with those methods
19 approved by EPA and established for the analysis of hazardous waste
20 and/or hazardous waste constituents. The detection levels selected shall
21 be sufficient to detect background concentrations of the applicable
22 hazardous waste and/or hazardous waste constituents.

23 d. The Proposal shall include a schedule for the performance of all
24 the work described and said schedule shall be so developed as to insure
25 an expeditious implementation of the Proposal once approved by EPA.

26 13. EPA will review and provide Respondent with written comments on the
27 Proposal. Within 30 days of Respondent's receipt of EPA's response to the
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1 Proposal, or such other time as approved by EPA based on a showing by
2 Respondent that additional time is required, Respondent shall modify the
3 Proposal as necessary to fully conform to EPA's comments and resubmit the
4 modified Proposal for EPA's approval. If Respondent has fully complied with
5 EPA's comments, EPA will submit a written statement to Respondent of its
6 approval. Otherwise, Respondent shall again revise the Proposal to fully
7 conform to EPA's comments. Upon receipt of written approval from EPA the
8 Proposal will thereby be fully incorporated automatically into this Order and
9 Respondent shall implement the Proposal according to terms and schedules
10 approved by EPA. Respondent shall submit to EPA bimonthly progress reports on
11 its activities pursuant to this Order and shall submit a final report,
12 including all supporting data and quality assurance information to EPA within
13 30 days of project completion.

14 14. All reports, plans, proposals and other documents required under this
15 Order shall be submitted in duplicate to: Charles W. Rice, Chief, RCRA
16 Compliance Section (M/S HW-112), U.S. Environmental Protection Agency
17 Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, with a copy sent to
18 the Washington Department of Ecology-Southwest Regional Office.

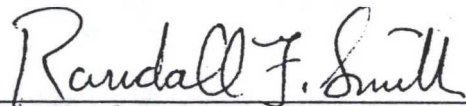

19 V. ENFORCEMENT OF THE ORDER

20 15. In the event Respondent fails to comply with the terms and provisions of
21 this Order, EPA may commence a civil action to require compliance with this
22 order and to recover a civil penalty of not to exceed \$5,000.00 for each
23 calendar day during which such a failure occurs or continues.
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1 VI. OPPORTUNITY TO CONFER AND LIABILITY

2 16. The attached NOTICE OF PROCEEDINGS should be carefully reviewed
3 concerning the opportunity to confer both formally and informally with EPA
4 representatives and concerning Respondent's potential liability in this matter.
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7 DATED this 30th day of June, 1988,
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9 
10  Charles E. Findley, Director
11 Hazardous Waste Division
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10
1200 Sixth Avenue,
Seattle, Washington 98101

IN THE MATTER OF:

Chemical Processors, Incorporated
Tacoma, Washington
(WAD020257945)

Respondent

Proceedings under §3013 of the
Resource Conservation and
Recovery Act, 42 U.S.C. §6934

RESPONDENT'S ACCEPTANCE
OF ORDER TO DEVELOP AND
IMPLEMENT A PROPOSAL FOR
MONITORING, ANALYSIS, AND
TESTING

IN REFERENCE TO THE FOLLOWING
ORDER:

EPA No. 1088-06-24-3013

By signing below, and returning this Acceptance notice to EPA at the address provided in the attached NOTICE OF PROCEEDINGS, Respondent hereby admits EPA's jurisdiction to issue the Order to Develop and Implement a Proposal for Monitoring, Analysis, and Testing (Docket No. 1088-06-24-3013), but neither admits nor denies EPA's Findings of Fact and/or Determination set forth in the above described Order.

Dated this _____ day of _____, 1988

Chemical Processors, Inc.